

**TEXT AMENDMENT #:** 2006-2-T-002

**APPLICANT:** Leon County Board of County Commissioners

**TEXT / POLICY I.D.:** Conservation Element – New Policy [C] 2.2.14

**DATE:**

**STAFF RECOMMENDATION:**

Direct Stormwater Technical Staffs to initiate the necessary actions to comply with Comprehensive Plan Policy 2.1.1 [C]. (S.H.)

**A. SUMMARY:**

This amendment request proposes that any new development or redevelopment on properties annexed by the City of Tallahassee after December 31, 2006 must meet the more stringent city or county stormwater quality treatment standards in place at the time of annexation.

**B. REASONS FOR RECOMMENDATION OF DENIAL:**

1. Both local governments must adopt the proposed amendment for it to be valid. Local governments cannot force the other to adopt land development regulations.
2. The City of Tallahassee cannot support the proposed amendment based on the fact that the impacts of this proposed amendment are not well-understood at this time, which brings into question the efficacy of the proposed amendment and apparently makes any implementing ordinances legally unsupportable.
3. Staff recommends that a comprehensive study that addresses both water quality treatment and flood control is necessary to judge the effects of this proposed amendment.
4. Staff further recommends that the creation of watershed-based stormwater design and treatment standards that transcend jurisdictions be considered through the existing Watershed Management Policy Board process.
5. The Comprehensive Plan adequately addresses from a planning perspective the issue of watershed basin regulation of stormwater in Policy 2.2.1 [C].

**C. PROPOSED TEXT / POLICIES:****Policy 2.1.3: [SS]**

Any new development or redevelopment on properties annexed by the City of Tallahassee after December 31, 2006 shall meet the more stringent city or county stormwater quality treatment standards in place at the time of annexation.

**D. APPLICANT'S REASON FOR THE AMENDMENT:**

The County maintains different stormwater standards than those of the City in certain watersheds and areas such as the Bradfordville Study Area and for non-residential uses in the Lake Jackson Basin. The Leon County Board of County Commissioners has become concerned that properties are being annexed in order to avoid County stormwater standards. It is the County's position that these standards were passed to protect the water quality of receiving waterbodies such as Lake Jackson and Lake McBride, and that annexation to avoid building to these standards threatens the environmental quality of these waterbodies.

The Board has expressed that the County's stormwater design and treatment standards, if more restrictive than those of the City's within any area annexed by the City, should be applied in lieu of the City's standards to protect the water quality of receiving waterbodies.

**E. STAFF ANALYSIS:**

Stormwater design and treatment standards are intended to manage water volumes to minimize flooding and to provide treatment by filtration and/or settling of sediments. By law, all local government stormwater treatment standards are required at a minimum to meet state standards. Policy 1.5.2 of the Utilities Element of the Tallahassee – Leon County Comprehensive Plan adopts by reference Florida Administrative Code (F.A.C.) Chapter 62-25 as the level of service for stormwater quality. This is the minimum stormwater facility design and water quality standard for both Leon County and the City of Tallahassee. It allows local government to set higher minimum levels of treatment in watersheds where more stringent levels of service are required.

Chapter 62-25.035(1)(b), F.A.C., requires all new stormwater treatment facilities to retain or detain with filtration the runoff from the first one inch of rainfall. For projects or project subunits with drainage areas less than 100 acres, all new stormwater treatment facilities must retain or detain with filtration the first one-half inch of runoff. Recovery of these volumes must be within 72 hours. This section also states that stormwater facilities which directly discharge to Outstanding Florida Waters (OFW) shall include an additional level of treatment equal to fifty percent of the treatment criteria specified in Section 62-25.035(1)(b) or Section 62-25.040 or Section 62-25.042, F.A.C. Rule 62-302.700 (9)(i), F.A.C., designates Lake Jackson as an OFW, as well as that portion of Lake Hall within the boundary of Maclay Gardens State Park.

The City of Tallahassee has adopted a city-wide standard for stormwater treatment facility design and construction. This standard is intended to capture the first 1.125 inches (1

1/8") of runoff. Leon County's standards vary from 1/2 of an inch (this is the minimum standard required by the State of Florida) to four inches or more, depending on the size of the drainage area, the watershed it is located within, and zoning and Future Land Use category. (See Table 1.) The standard within the Bradfordville Study/Sector Area is four inches times the total impervious area on a site. Within the County's portion of the Lake Jackson watershed, non-single family residential uses require the retention of post-development stormwater on-site for all storm events up to and including the 50-year, 24-hour duration storm.

Both local governments' recovery periods are largely similar with the exception of closed basins. Within closed basins, the City's standard is 90 hours, whereas the County's standard requires one-half of the required volume recovery within seven days, and the full volume recovered within 30 days.

Regarding discharge rate controls, the City's standard is no off-site increases or changes in course substantially different from predevelopment conditions, and no increases in the rate at which stormwater leaves a site are allowed unless such discharge is into an approved master facility. The County's standard requires peak post-development stormwater discharge rates not exceed the pre-development rates for all duration storms with return period frequency of up to and including the 25-year storm period.

The City of Tallahassee's stormwater standard is a communitywide standard. Although consistent and easily-understood and applied, it is not intended to accommodate variations in the degree of impervious surface in a watershed, soils, vegetation, or other physical parameters.

In contrast, the County has specific basin standards within selected watersheds based upon the environmental sensitivity of the receiving waterbody, amount of urbanization, types of soils, community input and public acceptance, and other factors. At least one of these standards has been established as part of several legal settlement agreements resulting from a development lawsuit, including the Bradfordville Study/Sector Area.

The following table summarizes the City and County stormwater facility design standards: